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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,099	08/01/2003	Duane S. Taylor	60046.0048US01	3190
53377	7590	07/25/2006	EXAMINER	
HOPE BALDAUFF HARTMAN, LLC			BROWN, MICHAEL J	
P.O. BOX 2825			ART UNIT	
ATLANTA, GA 30301			PAPER NUMBER	
			2116	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,099

Applicant(s)

TAYLOR, DUANE S.

Examiner

Michael J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, and 3-21 rejected under 35 U.S.C. 102(b) as being anticipated by Nunn et al.(US Patent 6,988,194).

As to claim 1, Nunn discloses a method for maintaining a boot order(boot order, see column 3, lines 31-32) of one or more mass storage devices(Hard Drive A 302, Floppy Drive 304, CD-ROM Drive 306, and DVD-ROM Drive 308; see Fig. 3e) within a computer(information handling system 100, see Fig. 1), the method comprising determining prior to attempting an initial program load of the computer system whether a configuration change to the computer system was made since a previous boot of the computer system that would affect the boot order of the mass storage devices within the computer system(see column 4, lines 1-3), wherein the configuration change comprises removal of at least one of the one or more mass storage devices from the computer system(see column 4, lines 1-18), in response to determining that a configuration change was made that would affect the boot order, then retrieving a first list(boot list 300, see Fig. 3a) of mass storage devices within the computer system prior to the configuration change, comparing the mass storage devices of the first list with a second

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list (boot list 300, see Fig. 3b) of mass storage devices within the computer after the configuration change to determine at least one mass storage device from the list of mass storage devices that was removed from the computer system, and rearranging the boot order of the mass storage devices within the computer system after the configuration changes so that the mass storage devices are booted in the order used prior to the configuration change (see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 3, Nunn discloses the method wherein the configuration change further comprises adding a mass storage device (DVD-ROM Drive 308, see Fig. 3e) to the computer system and wherein rearranging the boot order of the mass storage devices further comprises placing an entry corresponding to the added mass storage device at the end of the boot order (see column 5, lines 48-59).

As to claim 4, Nunn discloses the method further comprising in response to determining that the configuration change was made that would affect the boot order storing a data structure in a non volatile memory (non volatile memory 132, see Fig. 1) of the computer system prior to performing a boot of the computer, the data structure including a unique identifier (information, see column 3, line 52) for each mass storage device and the location of each mass storage device within the rearranged boot order (see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 5, Nunn discloses the method wherein rearranging the boot order of the mass storage devices comprises identifying a previous location in the boot order for each mass storage device in the computer system by locating the unique identifier in

the previously stored data structure matching the mass storage device, and rearranging the location in the current boot order for each mass storage device so that each device retains the same relative position in the boot order as the previous location(see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 6, Nunn discloses a computer-readable medium(memory 130, see Fig. 1) having computer-executable instructions stored thereon, the instructions operative to provide the method stated in previous claims when executed by the computer.

As to claim 7, Nunn discloses a computer-controlled apparatus(processor 110, see Fig. 1) operative to perform the method stated in previous claims.

As to claim 8, Nunn discloses a method for maintaining a boot order(boot order, see column 3, lines 31-32) that defines the order in which a computer system(information handling system 100, see Fig. 1) attempts to perform an initial program load from one or more mass storage devices(Hard Drive A 302, Floppy Drive 304, CD-ROM Drive 306, and DVD-ROM Drive 308; see Fig. 3e) within the computer system, the method comprising determining prior to attempting the initial program load of the computer system whether the configuration change to the computer system was made since a previous boot of the computer system that would affect the boot order of the mass storage devices within the computer system(see column 4, lines 1-18), in response to determining that a configuration change was made that would affect the boot order, then retrieving a first list(boot list 300, see Fig. 3a) of mass storage devices within the computer system prior to the configuration change and a second list(boot list

300, see Figs. 3b, 3c, 3d, and 3e) of mass storage devices within the computer system after the configuration change, comparing the mass storage devices of the first list with the mass storage devices of the second list to determine the mass storage devices of the second list present in the first list, associating each of the mass storage devices of the second list determined to be present in the first list with a boot priority such that the mass storage devices of the second list determined to be present in the first list are booted in the boot order used prior to the configuration change, after associating each of the mass storage devices of the second list determined to be present in the first list with a boot priority, determining at least one mass storage device of the second list not associated with a boot priority, and associating the at least one mass storage device of the second list with a boot priority such that the at least one mass storage device is booted at the end of the boot order(see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 9, Nunn discloses the method further comprising comparing the mass storage devices of the first list with the mass storage devices of the second list to determine at least one mass storage device from the first list that was removed from the computer system(see boot lists 300, Figs. 3a and 3b).

As to claim 10, Nunn discloses the method further comprising rearranging the boot order of the mass storage devices within the computer system after the configuration change so that the mass storage devices are booted in the boot order used prior to the configuration change(see boot lists 300, Figs. 3a, 3c, and 3d).

As to claim 11, Nunn discloses a computer-readable medium(memory 130, see Fig. 1) having computer-executable instructions stored thereon, the instructions operative to provide the method stated in previous claims when executed by a computer.

As to claim 12, Nunn discloses a computer-controlled apparatus(processor 110, see Fig. 1) operative to perform the method stated in previous claims.

As to claim 13, Nunn discloses a computer system(information handling system 100, see Fig. 1) operative to attempt an initial program load from one or more mass storage devices(Hard Drive A 302, Floppy Drive 304, CD-ROM Drive 306, and DVD-ROM Drive 308; see Fig. 3e) according to a defined boot order(boot order, see column 3, lines 31-32), the computer system comprising a central processing unit(processor 110, see Fig. 1), and the one or more mass storage devices. Nunn further discloses a non-volatile memory(non-volatile memory 132, see Fig. 1) storing a basic input/output system(BIOS 140, see Fig. 1) executable on the central processing unit, the BIOS operative to provide a facility for specifying the boot order, to determine prior to attempting an initial program load of the computer system whether a configuration change to the computer system was made since a previous boot of the computer system that would affect the boot order(see column 4, lines 1-3), wherein the configuration change comprises removing the at least one or more of the one or more mass storage devices from the computer system(see column 4, lines 1-18), in response to determining that a configuration change was made that would affect the boot order, to retrieve a first list(boot list 300, see Fig. 3a) of mass storage devices within the

computer system prior to the configuration change and a second list (boot list 300, see Fig. 3b) of mass storage devices within the computer system after the configuration change, to compare the mass storage devices of the first list with the mass storage devices of the second list to determine at least one mass storage device from the first list of mass storage devices that was removed from the computer system, and to rearrange the boot order of the mass storage devices within the computer after the configuration change so that the mass storage devices are booted in the order used prior to the configuration change (see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 14, Nunn discloses the computer system wherein the BIOS is further operative to store data in the non volatile memory, the data including a unique identifier (information, see column 3, line 52) for each mass storage device and the location of each mass storage device within the rearranged boot order (see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 15, Nunn discloses the computer system wherein the BIOS is operative to store the data in the non-volatile memory prior to a boot of the computer system (see column 4, lines 38-40).

As to claim 16, Nunn discloses the computer system wherein the BIOS is further operative to identify a previous location in the boot order for each mass storage device in the computer system by locating the unique identifier in the previously stored data matching the mass storage device, and rearrange the location in the current boot order for each mass storage device so that each device retains the same relative position in

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the boot order as the previous location(see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 17, Nunn discloses a method for maintaining a boot order(boot order, see column 3, lines 31-32) of one or more mass storage devices(Hard Drive A 302, Floppy Drive 304, CD-ROM Drive 306, and DVD-ROM Drive 308; see Fig. 3e) within a computer system(information handling system 100, see Fig. 1), the method comprising determining prior to attempting an initial program load of the computer system whether a configuration change to the computer system was made since a previous boot of the computer system that would affect the boot order of the mass storage devices within the computer system(see column 4, lines 1-3), wherein the configuration change comprises removal of at least one of the one or more mass storage devices from the computer system(see column 4, lines 1-18). In response to determining that a configuration change was made that would affect the boot order Nunn discloses retrieving a list(boot list 300, see Fig. 3a) of the mass storage devices within the computer system prior to the configuration change, removing an entry for the at least one mass storage device removed from the computer system from the list of the mass storage devices(see boot list 300, see Fig. 3b), and rearranging the boot order of the mass storage devices remaining on the list of the mass storage devices so that the remaining mass storage devices are booted in the order used prior to the configuration change(see column 4, lines 49-52, and 61-66; and column 5, lines 21-40 and 48-49).

As to claim 18, Nunn discloses a computer-readable medium(memory 130, see Fig. 1) having computer-executable instructions stored thereon, the instructions operative to provide the method when executed by the computer.

As to claim 19, Nunn discloses a method for maintaining a boot order(boot order, see column 3, lines 31-32) that defines the order in which a computer system(information handling system 100, see Fig. 1) attempts to perform an initial program load from one or more mass storage devices(Hard Drive A 302, Floppy Drive 304, CD-ROM Drive 306, and DVD-ROM Drive 308; see Fig. 3e) within the computer, the method comprising determining prior to attempting to perform the initial program load whether a configuration change made to the computer system since a previous boot is a manual configuration change to the computer system(see column 4, lines 1-3). If the configuration change to the computer system is not a manual configuration change, then Nunn discloses identifying each mass storage device currently in the system that was also installed at the previous boot of the system(see Figs. 3a, 3b, 3c, 3d, and 3e), determining the location of each mass storage device currently in the system in a boot order used during the previous boot(boot list 300, see Fig. 3a) by utilizing data stored at the previous boot, arranging a current boot priority(boot list 300, see Figs. 3c and 3d) for each device currently in the system that was installed at the previous boot so that the mass storage devices currently in the system are in the same order as they were during the previous boot, identifying each device currently in the system that was not installed at the previous boot based on the data stored at the previous boot(see Fig. 3e), and assigning a boot priority to each mass storage device

currently in the system that was not installed at the previous boot at the end of the boot order(see Fig. 3e). Then if the configuration change to the computer system is a manual configuration change, Nunn discloses maintaining the boot order of the mass storage devices used prior to the configuration change(see column 5, lines 21-40).

As to claim 20, Nunn discloses the method wherein determining prior to attempting to perform the initial program load whether a configuration change made to the computer system since a previous boot is a manual configuration change to the computer system comprises determining whether at least a first change bit data field and a second change bit data field indicate that the configuration change is a manual configuration change(see column 5, lines 21-40).

As to claim 21, Nunn discloses a computer-readable medium(memory 130, see Fig. 1) having computer-executable instructions stored thereon, the instructions operative to provide the method when executed by a computer.

Response to Arguments

2. Applicant's arguments, filed 7/5/2006, with respect to the rejection(s) of claim(s) 1, and 3-21 under Nunn et al.(US PGPub 2003/0233535) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Nunn et al.(US Patent 6,988,194).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (571)272-5932. The examiner can normally be reached on Monday-Thursday from 7:00am to 5:30pm(EST).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIRS) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications are available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

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